

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Gail Harper, NO. C 11-01306 JW

Plaintiff,
v.

Ryan Lugbauer, et al.,

Defendants.

**ORDER SETTING MARCH 12, 2012 FOR
HEARING OF PENDING MOTIONS**

A hearing on City Defendants'¹ Anti-SLAPP Motion² is currently scheduled for March 5, 2012. On February 8, 2012, counsel for City Defendants notified the Court that he is unavailable on March 5, 2012, and requested that the Court reschedule the hearing for a date after March 7, 2012.³

¹ City Defendants are: George Gascón (“Gascón”), an individual and as an agent of the San Francisco Police Department; Anna Brown (“Brown”), an individual and as an agent of the San Francisco Police Department; Carl Tennenbaum a.k.a. Carl Tee or Carl T (“Tennenbaum”), an individual and as an agent of the San Francisco Police Department; San Francisco Police Department (“SFPD”); and City and County of San Francisco (“San Francisco”) (collectively, “City Defendants”).

² (Special Motion to Strike Certain State Law Causes of Action Pursuant to California Code of Civil Procedure § 425.16 by Defendants City and County of San Francisco, San Francisco Police Department, Former Chief of Police George Gascón, Carl Tennenbaum, and Anna Brown, hereafter, “Motion,” Docket Item No. 94.)

³ (Notice of Unavailability of Defense Counsel for March 5, 2012 Hearing on Defendants’ Anti-SLAPP Motion, Docket Item No. 99.)

1 On February 26, 2012, Plaintiff filed a Motion to Recuse contending that Chief Judge Ware should
2 recuse himself from this case.⁴

3 Upon review, and in light of City Defendants' counsel's unavailability for the March 5
4 hearing and the recently noticed Motion to Recuse, the Court finds good cause both: (1) to continue
5 the hearing on City Defendants' Anti-SLAPP Motion; and (2) to set an expedited hearing date for
6 Plaintiff's Motion to Recuse to coincide with the hearing on the Anti-SLAPP Motion. Accordingly,
7 the Court ORDERS as follows:

8 (1) The hearing on City Defendants' Anti-SLAPP Motion is CONTINUED to **March 12,**
9 **2012 at 9 a.m.**

10 (2) The Court sets **March 12, 2012 at 9 a.m.** for a hearing on Plaintiff's Motion to
11 Recuse. On or before **March 1, 2012**, any party wishing to file an Opposition to the
12 Motion to Recuse shall file such an Opposition. On or before **March 5, 2012**,
13 Plaintiff shall file her Reply, if any.

14
15
16 Dated: February 27, 2012

17
18
19
20
21
22
23
24
25
26
27
28


JAMES WARE
United States District Chief Judge

⁴ (Plaintiff's Motion to Recuse Judge Ware, hereafter, "Motion to Recuse," Docket Item No. 104.) Plaintiff did not notice her Motion to Recuse for any date in particular.

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Cherokee Dawn-Marie Melton melton@kerrwagstaffe.com
3 David Jerome Kennedy davidjkennedyatty68v@gmail.com
4 Edward Joseph Rodzewich Edward.Rodzewich@farmersinsurance.com
5 Gail Ellen Harper crimlaw5@gmail.com
6 James Matthew Wagstaffe wagstaffe@kerrwagstaffe.com
7 Joshua Seth White joshua.white@sfgov.org
8 Matthew Robert Halloran mhalloran@bledsoelaw.com
9 Richard Michael Lieberman michael@spark84.com
10 Richard S. Diestel rdiestel@bledsoelaw.com

11 **Dated: February 27, 2012**

12 **Richard W. Wiking, Clerk**

13 **By: /s/ JW Chambers**
14 **Susan Imbriani**
15 **Courtroom Deputy**